

REMARKS

The Office Action, mailed October 18, 2006, considered and rejected claims 1-32, 39-46 and 52-54. Claims 1-32, 39-46 and 52-54 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Robotham* (U.S. Patent No. 6,704,024) in view of *Sahota* (U.S. Publ. No. 2001/0056460).¹ Claims 9-16 and 25-32 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.²

By this paper, claims 1, 9, 17, 25 and 39 have been amended, while no claims have been added or cancelled.³ Accordingly, following this paper, claims 1-32, 39-46 and 52-54 remain pending, of which claims 1, 9, 17, 25 and 39 are the only independent claims at issue.

As reflected in the above claim listing, Applicant's invention is generally directed to methods and computer program products for distributing applications across a server and node within a network. As reflected in independent claim 1, for example, a node application is requested by the node from a central server and is loaded at the node. A feature application that includes both a user interface portion and a process portion is then selected for distribution across the node and the central server. The node application further dynamically allocates resources between the node and the central server, including resources for presenting to a user the audio and video content received by the central server from the broadcast source. The user interface portion is also loaded at the node by the node application. The user interface portion communicates with the process portion which is loaded on the central server and makes a request to the process portion for data. The process portion processes data in response to receipt of the data request and the processed portion is sent to, and received by, the user interface portion from the process portion. The process portion is then presented at the node.

¹ Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² As reflected in the claim listing above, claims 9 and 25 have been amended to recite computer readable storage medium having computer executable instructions encoded thereon. Particularly in view of the above amendments, Applicant respectfully submits that the inventions recited in claims 9-16 and 25-32 provide useful, tangible and concrete results, and that the rejection is overcome.

³ Support for the claim amendments can be found throughout Applicant's originally filed application, including at least the disclosure in paragraphs 6, 8, 14, 25, and 39 of the original disclosure.

Independent claim 9 recites a computer program product for implementing a method generally corresponding to the method of claim 1. Independent claims 17 and 25 recite a method and computer program product, respectively, which generally correspond to the method of claim 1, but which are recited from a server-side perspective. Independent claim 39 recites a method generally corresponding to the method of claim 1 and which further includes service portions distributed between the node and central server.

While *Robotham* and *Sahota* generally relate to server-client systems, Applicant respectfully submits that they fail, whether alone or in combination, to disclose or suggest Applicant's invention. For example, among other things, *Robotham* and *Sahota* fail to disclose or suggest loading of a node application which was requested from the central server and which is used to load a feature application distributed between the node and central server, or dynamically allocating, by the node application, resources for presenting to the user audio and video content received by the central server from a broadcast source, as claimed in combination with the other claim elements.

In particular, *Robotham* discloses a system in which visual content requested by a client device is rasterized at a server. (Abstract). More specifically, a client device requests access to visual content such as a Web pages, email, email attachments, electronic documents, forms database queries and results, drawings, presentations, or images. (Abstract; Col. 3, ll. 5-15). To access these documents, a "remote browsing service" is established in which the server provides more than just access to the requested visual content, but also performs the rendering and client device provides the interface for displaying the remotely rendered visual content. (Col. 3, ll. 15-30).

The remote browsing service is also multi-level and rendered visual content can be represented as a set of raster representations. (Col. 3, ll. 17-19; Col. 4, ll. 41-60). For example, upon the server receiving a request for content, the server can generate a low resolution, overview bitmap which can be rapidly transmitted to the client, and which provides a single view of the overall layout of the entire content. (Col. 18, ll. 16-34). From the overview layout, the user can select any particular set of pixels which represent a portion of the visual content which the user would like to view in greater detail. (Col. 4, ll. 52-58).

Accordingly, *Robotham* discloses that a remote browsing system is initiated which renders visual content (e.g., Web pages, email, email attachments, etc.) remotely and which displays the visual content on a client device, thereby dividing the processing of visual images between the server, which renders, and the client, which displays. *Robotham* fails, however, to disclose that the remote browser is loaded by a node application which was requested by the node from the central server, as recited in combination with the other claim elements. Indeed, in contrast to the present invention, in which the feature application which is distributed across the node and central server is loaded by a node application which was itself requested from the server, the Web pages, electronic documents, presentations, images, etc. in *Robotham* are loaded by the distributed application. In other words, while Applicant's invention requests a node application, a feature application loaded by the node application, and content from the central server which is loaded by the feature application, *Robotham* appears to disclose initiating a remote browser and requesting content to be displayed by the feature application. In response to the request, an overview bitmap image is provided which can be processed by the remote browser; however, the bitmap is merely an image of the content, rather than an application having both a user interface and processing portion. *Robotham* fails, therefore, to disclose any node application which is both: (i) requested from the server; and (ii) used to load the feature application which is distributed between the server and the client.

Moreover, *Robotham* is a system directed entirely to the rendering and rasterizing of "visual content." (Abstract; Col. 1, ll. 13-20; Col. 3, ll. 5-11). Indeed, *Robotham* has no teaching with respect to the transmission of audio content. In fact, it appears that *Robotham* would have no use in allocating resources for audio content in that it relies upon rendering and rasterizing visual content into bitmap images, which is not possible with audio content. Thus, *Robotham* also fails to teach wherein resources are allocated dynamically between the node and the central server, including resources for presenting to a user the audio and video content received by the central server from the broadcast source, as claimed in combination with the other claim elements.

Applicant respectfully submits that *Sahota* also fails to remedy the deficiencies of *Robotham*. In particular, *Sahota* discloses a system for transforming content such that it can be presented on multiple platforms, but fails to disclose either loading a node application which is

requested from the server and which in turn loads a feature application distributed between a server and a client, or dynamically allocating resources which control presentation to a user audio and video content, as claimed in combination with the other claim elements.

In particular, *Sahota* appears to disclose that a content syndication system that allows a user to access web pages to interact with broadcast television programming being received at a set-top box by accessing related web pages. (¶¶ 3, 46). In particular, the system operates by using a set-top browser which requests access to a web page by sending an access request to a syndication server. (¶ 74). The syndication server then transmits the request to the appropriate web server, which then sends the appropriate content. (¶ 74). Upon receipt of the content, the syndication server transforms the web page into syndicated content viewable by the set-top browser by, for example, harvesting the content using XML templates. (¶¶ 24, 26, 41-44, 75).

Thus, *Sahota* discloses a system in which web page content is requested and processed by a syndication server. The audio and video broadcast content, however, do not appear to be processed by the syndication server. *Sahota* fails, therefore, to disclose wherein the resources for audio and video broadcast content are dynamically allocated, as recited in combination with the other claim elements. Instead, *Sahota* appears to relate only to the server manipulating web page content, while the audio and video content is passed directly to the set-top box without remote processing. Moreover, inasmuch as only the web page content appears to be requested from the syndication server, *Sahota* also fails to disclose or suggest requesting a node application and a feature application from a central server, and particularly a node application which loads the feature application as recited in combination with the other claim elements.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner

provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney by telephone at (801)533-9800.

Dated this 18 day of January, 2007.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick D. Nydegger", written over a horizontal line.

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